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Confidence-building measures in the regional and subregional context

Report of the Secretary-General

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I. Introduction

1. In its resolution 66/38, the General Assembly reaffirmed the ways and means regarding confidence- and security-building measures set out in the report of the Disarmament Commission on its 1993 session, and called upon Member States to pursue those ways and means through sustained consultations and dialogue, while at the same time avoiding actions that may hinder or impair such a dialogue. Furthermore, the Assembly urged States to comply strictly with all bilateral, regional and international agreements, including arms control and disarmament agreements, to which they are a party. The Assembly also emphasized that the objective of confidence-building measures should be to help strengthen international peace and security and be consistent with the principle of undiminished security at the lowest level of armaments, and encouraged the promotion of bilateral and regional confidence-building measures, with the consent and participation of the parties concerned, to avoid conflict and prevent the unintended and accidental outbreak of hostilities. It requested the Secretary-General to submit a report to the Assembly at its sixty-seventh session containing the views of Member States on confidence-building measures in the regional and subregional contexts. The present report is submitted pursuant to that request.

2. A note verbale was sent on 15 February 2012 to all Member States requesting their views. To date, replies from the Governments of Armenia, Germany, Mexico, Qatar, Spain, Turkey and Viet Nam have been received and are reproduced in section II below. Additional replies will be issued as addenda to the present report.

II. Replies received from Member States

Armenia

[Original: English]
[12 June 2012]

United Nations resolution 66/38 is an important mechanism for the exchange of views and approaches on confidence-building measures at the regional and subregional levels, to identify the principal problems in the sphere and to seek solutions.

Armenia has always advocated the principle of regional cooperation in every possible sphere, which is a significant contributor to confidence-building. The settlement of regional tensions is possible only through cooperation, since it creates the much-needed environment of mutual trust, thus facilitating the solution of even the most protracted and long-lasting problems.

Guided by this principled approach, Armenia makes every effort to advance confidence-building in the South Caucasus, utilizing the frameworks of the United Nations, the European Union, the Organization for Security and Cooperation in Europe (OSCE), the Euro-Atlantic Partnership Council/Partnership for Peace of the North Atlantic Treaty Organization (NATO) and bilateral relations. Armenia has always demonstrated its readiness and goodwill to initiate projects aimed at development of regional cooperation in various fields.

Unfortunately, one can witness a very dangerous situation in the region, which is characterized by arms race, closed borders and blockade, permanent threat of use of force, ceasefire violations and wide anti-Armenian propaganda by Armenia's immediate neighbours to the East and West, aimed at isolation. The ill-perceived political motivations of Turkey and Azerbaijan do not allow taking practical confidence-building steps in the fields of regional security, disarmament, conflict settlement, etc.

According to official information on implementation of the Treaty on Conventional Armed Forces in Europe, as at 1 January 2012 Azerbaijan has significantly exceeded its established ceilings in three categories of treaty-limited equipment. The Azerbaijani holdings in battle tanks are 381 (the permitted ceiling is 220) and in artillery they are 516 (the permitted ceiling is 285). In 2011, there was a sizeable increase of holdings in artillery — to 47, as well as in the category of attack helicopters — from 3 to 5 and in armoured combat vehicles — to 106. Azerbaijan deliberately failed to reflect the exceeding of ceiling of armoured combat vehicles — 287 against 220 permitted by the Treaty on Conventional Armed Forces in Europe. Azerbaijan has significantly increased its military budget over the past years (the defence budget for 2012 is $3.47 billion). In fact the region is at the edge of a full-scale war, which can be unleashed by Azerbaijan at any moment.

The full and unconditional implementation of the legally binding Treaty on Conventional Armed Forces in Europe is not only the main instrument of conventional arms control but also one of the cornerstones of confidence-building measures in the region, and the negligent position of Azerbaijan in this regard has a very negative impact on the efforts of Armenia to promote an atmosphere of trust and cooperation in the region. The harsh anti-Armenian aggressive rhetoric of the Azerbaijani leadership also heightens the tension in the region of the South Caucasus and seriously undermines the negotiation process aimed at the peaceful settlement of existing problems, particularly the Nagorno Karabakh conflict. The Azerbaijani leadership frustrates any attempts of Armenia and Nagorno Karabakh Republic, as well as those of international community to materialize initiatives of regional cooperation and confidence-building. Moreover, Azerbaijan is unashamedly conducting a political course directed at the denigration of the historic and cultural Armenian heritage in the region. Groundless statements that the territory of Armenia and its capital are parts of the so-called "ancient" Azerbaijan are vivid manifestations of that policy.

Exclusion from regional projects aimed at the complete economic and transport-related isolation of Armenia, rejection of any people-to-people contacts are also part of the deplorable mindset of negation.

The confidence- and security-building measures are of particular significance in conflict resolution. Regrettably, Azerbaijan refuses to remove from the line of contact snipers that claim several dozens of lives every year. The Azeri side ignores the persistent calls of the Secretary-General of the United Nations, the Chairman in Office of OSCE, Co-Chairmen of the OSCE Minsk Group to this effect. Azerbaijan is trying to withdraw from an agreement to set up a mechanism for the investigation of ceasefire violations, which was the outcome of the Sochi Summit of the Presidents of Armenia, the Russian Federation and Azerbaijan on 2 March 2011. Thus, Azerbaijan denies all attempts to consolidate the ceasefire regime.

Armenia stands ready for open, constructive and regular dialogue with its neighbour to create an atmosphere of trust and cooperation, which will enable us to move forward in the process of settlement of persisting problems in the Armenian-Azerbaijani relations.

Germany

[Original: English]
[31 May 2012]

1. Introduction

The Federal Republic of Germany, referring to its 2011 contribution to the database on confidence-building measures in the field of conventional arms (resolution 65/63) of 31 May 2012, attaches great significance to confidence-building measures in disarmament and arms control, and emphasizes the importance of such measures on a regional and subregional level.

2. German participation in treaties and agreements with regard to confidence-building measures on a regional and subregional level and related activities

(a) Treaty on Conventional Armed Forces in Europe

(b) Treaty on Open Skies

(c) Vienna Document

(d) OSCE Code of Conduct on Politico-Military Aspects of Security

(e) General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement), annex 1-B

(f) OSCE Document on Small Arms and Light Weapons

(g) OSCE Document on Stockpiles of Conventional Ammunition

(h) OSCE Document on Principles Governing Conventional Arms Transfers

3. Other German activities (conferences and seminars) with regard to confidence-building measures in 2011 (list is not exhaustive)

Germany also pays particular attention to regional and subregional dialogue with regard to issues relating to confidence-building measures, landmines and small arms and light weapons and their ammunition. Activities in 2011 included:

- Continued support to training courses at the NATO School in the field of small arms and light weapons/conventional ammunition
- Continued support to training courses and seminars at the "Regional Arms Control Verification and Implementation Assistance Center" in Zagreb
- "Group of Governmental Experts to review the operation and further development of the United Nations Instrument for Reporting Military Expenditures", chaired by Germany
- Continued support to training courses and seminars in Tadzhikistan in the field of small arms and light weapons/conventional ammunition

- Support of an OSCE/United Nations Development Programme fact-finding mission in Serbia in the field of conventional ammunition

- "High-Level Seminar on Confidence-building Mechanisms and Preventive Diplomacy" co-chaired by Germany and Indonesia within the framework of the ASEAN Regional Forum, Berlin, 27 to 29 November 2011.

For all further details, see Germany's 2011 report entitled "Information on confidence-building measures in the field of conventional arms (resolution 65/63)", issued on 31 May 2012.

Mexico

[Original: Spanish]
[8 May 2012]

Mexico is a firm defender of peace, stability and security in the region and on the continent and has therefore supported, and will continue to promote, confidence-building measures in both a regional and subregional context.

National activities

Mexico has a comprehensive strategy to combat organized crime, through which it seizes arms, weapons, drugs and chemical precursors, and also destroys clandestine laboratories and crops of marijuana and poppies.

In that regard, Mexico has operational procedures in place to control the manufacture, storage, transport and use of weapons and ammunition for civilian use as required for the pursuit of justice, public security, hunting, sports and residential security.

The Ministry of Defence (SEDENA), under strict security measures, destroys obsolete confiscated weaponry. It also retains the exclusive right — through the Directorate for the Commercialization of Weapons and Ammunition — to offer for sale weapons and ammunition needed by Mexican public and private security forces, in conformity with the Federal Firearms and Explosives Act and its implementing regulations.

Those normative measures adhere to regional and subregional confidence-building measures by regulating the import and export of firearms, ammunition and explosives of all kinds.

Bilateral activities

Mexico participates in binational commissions with Belize, Guatemala and the United States of America, through which specific activities for coordination and cooperation have been established in order to strengthen security on common borders.

In addition, through its Tax Administration Service, the Customs Administration, in coordination with the Ministries of Defence, the Navy and Public Security, oversees activities aimed at preventing the illegal entry of firearms and ammunition on the Mexico-United States border. To that end, the Government of Mexico has reorganized its customs offices, which have been furnished with

technological vehicle barriers, systems for the monitoring and control of vehicles, centralized video surveillance and inspection via unobtrusive equipment (such as X-rays and gamma rays), all of which make the work of those agencies easier and contribute to disarmament and improvement of control over the movement of goods.

Moreover, Mexico continues to comply with its inter-agency agreements on maritime cooperation and with the rules of action and procedures established with the United States of America (Coast Guard and Navy) and with Honduras in order to promote more and better coordination on preventing trafficking in arms, psychotropic substances and undocumented persons, and other crimes of a maritime nature.

Along with the foregoing, as part of its bilateral activity, a workshop on Mexico-Guatemala-Belize border security was held in Mexico City from 16 to 18 August 2011, with the participation of Canada, Colombia and the United States of America.

Regional activities

Mexico recognizes and applies the confidence-building measures contained in the Declaration of Santiago, the Declaration of San Salvador and the Miami Consensus, as endorsed in the Declaration on Security in the Americas, with a commitment to improving hemispheric security and promoting cooperation and trust among the States of the region.

In that regard, Mexico keeps the Secretary General of the Organization of American States (OAS) informed in a timely manner about its activities in compliance with the commitments it has made to promote confidence- and security-building measures, following the directives of the consolidated list of confidence- and security-building measures requiring notification under the resolutions of that organization.

Further, in 2011, Mexico deposited with OAS the ratification instrument of the Inter-American Convention on Transparency in Conventional Weapons Acquisitions. Thus, Mexico is now a party to all the inter-American agreements and conventions on security matters, contributing to the implementation of measures to promote trust and security within the hemisphere.

Moreover, Mexico continues to participate in various hemispheric forums devoted to the discussion of various means to promote confidence and security agreed by OAS member States.

In addition, through the Ministry of the Navy, and with the approval of the Mexican Congress, Mexico has participated in the following naval exercises:

- UNITAS LI Fase Atlantica-Argentina, conducted from 17 to 25 May 2010 in the ports of Mar del Plata and Buenos Aires, Argentina.
- UNITAS Pacífico 2010, conducted from 1 June to 26 August 2010, in Peru and Chile.
- UNITAS LII, maritime component, from 15 April to 11 May 2011, in Brazilian territorial waters.
- UNITAS LII, amphibious component, "Society of the Americas 2011", in Brazilian territorial waters.

Of all the principles that we believe should govern confidence- and security-building measures, as presented in Spain's response to the request for information pursuant to General Assembly resolution 66/37, those most noteworthy within the regional and subregional context are as follows:

- Singularity: Confidence- and security-building measures should be specifically negotiated for each case and for each specific geographic area.
- Transparency: This should be based on exchanges of information and on the establishment of fluid contacts and ease of communication.
- Verifiability: Measures to be adopted should be accompanied by a regime that allows for verification of their implementation. This is the only way to maintain confidence where suspicions have arisen about possible non-compliance.
- Reciprocity: The advantages each party obtains with respect to improved trust in the other parties should be reciprocated; otherwise, negotiation of such measures becomes enormously difficult.
- Voluntary participation in negotiations and obligatory compliance: The parties should at all times feel comfortable with the measures agreed. The political will required to negotiate confidence- and security-building measures should also be perfectly compatible with the obligation to implement them once enacted.[3]
- Progressivity: Confidence- and security-building measures should constitute a process that entails the progressive development of new and more effective measures so that trust between the parties continues to improve.
- Complementarity: Complementarity among confidence- and security-building measures adopted at the global (United Nations), regional, subregional and bilateral levels should be permanently guaranteed, while also ensuring that there is no duplication.

In addition, the effective implementation of confidence- and security-building measures requires:

- A mechanism for consultation and follow-up on the application of the measures, which should allow for problems that may arise in their practical implementation to be reported and resolved, as well as for the negotiation of additional measures or the modification of existing ones;
- An appropriate communications system or, in its absence, a network of contact points for participants that should, on the one hand, ensure compliance with the deadlines contained in the different measures (executive level) and, on the other, be flexible enough to handle the flow of information and decision-making that will allow trust to be re-established in the event of future crises (management level).

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broader regional balance and which came into force on 1 January 2002.

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Turkey

[Original: English]
[31 May 2012]

The regional and subregional confidence-building measures have proven to be useful in addressing security challenges such as armed conflicts and the arms race. However, there is no one single set of criteria to define these measures or ensure their efficient implementation, since their scope and parameters vary depending on the characteristics of each region.

The experience with regard to Euro-Atlantic and Eurasian security suggest that regional and subregional confidence-building measures are most effective when designed as complementary components of more comprehensive security systems. In the case of Euro-Atlantic and Eurasian conventional security architecture, regional and subregional confidence-building measures are embedded within the Vienna Document on confidence- and security-building measures, a politically binding multilateral arrangement adopted within the framework of the Organization for Security and Cooperation in Europe (OSCE) in order to enhance military transparency and predictability.

Chapter X of the Vienna Document sets forth in detail the governing principles and purposes of regional measures to be developed in the OSCE geography. This approach aims at attaining two distinct goals. First is to ensure that regional and subregional confidence-building measures contribute to overall security and stability of the OSCE region, including the concept of indivisibility of security. Second is to avoid any scenario in which such confidence-building measures might be detrimental to the security of third parties in the same region. Eventually, the agreed regional and subregional confidence-building measures form part of the OSCE-wide web of interlocking and mutually reinforcing agreements.

In the OSCE area, the terms confidence-building measures, arms control and disarmament in the conventional field indicate different concepts. Therefore, these concepts, while complementing each other, do not duplicate or replace each other. In this regard, the concept of confidence-building measures does not in principle include the notion of numerical limitation, and is thus devoid of a hard security perspective. The legally binding Treaty on Conventional Forces in Europe is a hard security instrument and imposes numerical limitations on certain types of military armaments and equipment at the continental, regional and subregional levels. As a result, in the OSCE geography, conventional arms control and disarmament issues are not addressed directly through confidence-building measures.

Among the regional and subregional confidence-building measures in the OSCE geography, the "Document on Confidence and Security-building Measures in the Naval Field in the Black Sea" is worth mentioning due to its unique nature. This Document, in the conclusion of which Turkey played a leading role, aims at enhanced operational cooperation in combating terrorism and organized crime, including drug trafficking and the illegal arms trade. To this end, the Document consists of politically binding measures for the exchange of information on the composition of naval forces, visits to naval bases, observation of naval exercises and organization of joint training, seminars and conferences. Romania, Georgia, the Russian Federation, Ukraine, Bulgaria and Turkey are parties to this Document. The obligations undertaken within its framework Document in no way undercuts the

possibility of joint naval activities with third countries in the Black Sea. Neither does it curtail the freedom of navigation. The parties to the Document meet in Vienna annually in order to assess implementation and explore ideas for increasing its efficiency.

Viet Nam

[Original: English]
[8 May 2012]

The Socialist Republic of Viet Nam pursues a policy of peace, friendship and expanded international relations and cooperation with all countries in the world, irrespective of their political and social systems, on the basis of respect for each other's independence, sovereignty and territorial integrity, non-interference in each other's internal affairs, equality and mutual benefit; it actively supports and contributes to the common struggle of the peoples of the world for peace, national independence, democracy and social progress.

Since becoming a member of the United Nations in 1977, Viet Nam has always been an active and responsible member of the world's largest organization. As a non-permanent member of the Security Council for the 2008-2009 term, Viet Nam successfully fulfilled its role, making a positive contribution to world peace while upholding the Charter of the United Nations and principles of international law. At the same time, it has been enhancing its international integration, proactively participating in and making contributions to regional and international multilateral forums, such as the United Nations, the Asia-Pacific Economic Cooperation, the Asia-Europe Meeting and the Non-Aligned Movement, on solving the global issues of nuclear security, nuclear disarmament, crime prevention, climate change and sustainable development. Furthermore, Viet Nam is always willing to share with other countries its experiences in South-South and tripartite cooperation, financing for development, enhancing aid effectiveness and mainstreaming the Millennium Development Goals into national socioeconomic strategies.

Viet Nam has been a party to all major international instruments for the disarmament of weapons of mass destruction, including the Comprehensive Nuclear-Test-Ban Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. It has also been fulfilling its obligations under all the relevant United Nations mechanisms, especially those set up by the Security Council.

Viet Nam attaches importance to confidence-building and preventive diplomacy measures in the regional and subregional context that serve as the foundations for building trust among countries. In this spirit, Viet Nam became a member of the Conference on Interaction and Confidence-building Measures in Asia in 2010. It has been working closely with other members of the Association of Southeast Asian Nations (ASEAN) and other stakeholders for peace, stability, cooperation and development in Southeast Asia, East Asia and beyond, through ASEAN-led mechanisms and such instruments as the Treaty of Amity and Cooperation in Southeast Asia, the South-East Asia Nuclear-Weapon-Free Zone, the

ASEAN Regional Forum and the East Asia Summit. Peace, stability, security, navigation safety and freedom are the common interest of the region and all countries. Like other ASEAN members, Viet Nam is strongly committed to dialogue and confidence-building mechanisms, and stands ready to work with the concerned parties to find peaceful settlements to any dispute in accordance with international law, including the 1982 Convention on the Law of the Sea. Along with the parties concerned, it will strictly observe the Declaration on the Conduct of Parties in the East Sea and welcomes the stated commitments to working together towards the conclusion of a code of conduct in the foreseeable future.